

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments.

In this Amendment claims 1, 14, 16-17, 25 and 37-38 are amended, claims 39-45 are added and no claims are canceled (claims 4, 8, 15, 21 and 32 were previously canceled). As a result, claims 1-3, 5-7, 9-14, 16-20, 22-31 and 33-45 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, at paragraph [0022] of the specification. The present claim amendments attend to a typographical error in claim 1, incorporates a feature of dependent claim 37 into independent claim 14, incorporates a feature of dependent claim 38 into independent claim 25, and cancels dependent claim 9 and adds a feature similar to claim 9 to independent claim 1.

In the non-final Office Action of November 28, 2007 claims 1-3, 5-7, 9-12 and 36 are rejected under 35 U.S.C. §103(a) in view of U.S. Published Patent Application 2001/0048472A1 (Inoue), further in view of U.S. Patent 6,005,613 (Endsley), and yet further in view of U.S. Published Patent Application 2007/0212692A1 (Nakami). Claims 13-14, 16-20, 22-24, 25-31, 33-35 and 37-38 are rejected under 35 U.S.C. §103(a) in view of Inoue, further in view of Endsley, yet further in view of Nakami and yet even further in view of U.S. Patent 6,903,762 (Prabhu). Claim 1 is objected to because of a typographical error ("cameral").

Claim Objection

Claim 1 is amended herein to attend to the claim objection. Accordingly, withdrawal of the objection is respectfully requested.

§103 Rejections in view of Inoue / Endsley / Nakami and/or Prabhu

The §103 rejections of claims 1-3, 5-7, 9-14, 16-20, 22-31 and 33-38 in view of various hypothetical combinations of Inoue / Endsley / Nakami and Prabhu are respectfully traversed for at least the following reasons.

Novice camera users often have difficulties adjusting their camera parameters for different situations. With the present Gateway invention a novice camera user can set up the camera parameters ahead of time for various situations, and assign icons or shortcuts to each of the format selections to be used in taking pictures in the various situations. In this way the user can simply select a shortcut/icon that is associated with a set of parameters needed to set up the camera for taking a digital picture. When the user selects one of the shortcuts displayed on the camera user interface, the camera's processor changes its settings to the set of parameter settings associated with the shortcut. The shortcut may be named by the novice user after the function or purpose intended for the photo, for example, "email" for camera settings appropriate for sending the picture via email (e.g., high compression and low resolution); or "8x10 Photo" for higher quality camera settings appropriate for a larger sized, higher quality photograph. The icons/shortcuts allow the novice user to quickly adjust the camera by selecting a single control, the shortcut or icon, rather than having to be familiar with, and make choices for, all the different parameters needed to set up the camera to take a photograph at the time the photograph is being taken. It should be

noted that the present invention still allows the user to alter the camera settings in a conventional manner by setting each of the camera parameters manually as described in the Background and in the documents cited in the pending rejection.

The pending claims recite features for making a one-touch selection. For example, claim 1 recites a “providing more than one format selection to be used in capturing the digital image [and] assigning an icon to each of said more than one format selections [,] wherein the set of parameters for each of said more than one format selection include settings for compression level, color depth, height resolution and width resolution.” Unlike the hypothetical combination proposed in the Office Action these claimed features allow a user to make a one-touch selection for configuring a digital camera to capture an image. The other independent claims, claim 14 and claim 25, each recite features which similarly allow a user to make a one-touch selection for configuring a digital camera. The patent documents cited in the pending rejection, either taken singly or in hypothetical combination, do not teach or suggest these features. In fact, it is believed that the cited documents teach away from being combined, as discussed below in the next section.

The first cited Inoue published patent application describes a method of selecting image quality parameters for a digital camera. Inoue concentrates on solving a problem of previous convention cameras that occurs due to the number of imaging pixels and the image compression rate being selected in independent setting sections. Inoue provides both of these parameters within the same setting selection screen on the display, a specially designed two-dimensional array (e.g., Figs. 7a-d).¹ These two parameters are interdependent, for example, selecting image compression rate affects what selections may

be made for the number of imaging pixels. The two-dimensional array system of Inoue allows a user to scroll down the vertical column of pixel numbers (2400x1800, 1280x960, 640x480) and in response shows the row of available quality selection(s) for a particular number of pixels off to the right (Fine, Normal, Basic). For example, if a user highlights “2400” then all three options appear for quality: “Fine,” “Normal,” and “Basic” (Fig. 7a). However, if the user highlights “640” then only the only available option is “Normal” (Fig. 7e).

It should be noted that Inoue’s two-dimensional array is not an icon or a shortcut to which a set of format selections can be assigned. In fact, since Inoue relies upon this specially designed two-dimensional array, it is not understood how the Inoue system could possibly be altered to provide other camera settings such as color depth, or the like. If other settings were added to Inoue’s array it would become a three-dimensional array, or a four-dimensional array, or even a five-dimensional array. How would such an array be displayed on the Inoue’s digital camera? Consequently, Inoue does not disclose an icon / shortcut assigned to format selections or operational parameters as recited in the claims.

The Office Action notes that Inoue does not disclose parameter settings for color depth, height resolution and width resolution, but then proposes to combine the Endsley patent with Inoue. The Endsley patent involves a multi-mode digital camera with a computer interface. In accordance with Endsley a “host computer 12 controls the camera picture-taking process by instructing the camera 10 when to take still or motion pictures, and setting the electronic exposure time and the analog gain...”² The Endsley patent allows

¹ Inoue, Abstract, paragraph [0004].

² Endsley, col. 4, lines 60-63.

a user to toggle between motion mode (configuration 0) and single-shot mode (configuration 1).³ However, Endsley does not disclose the features of claim 1 quoted above, or the similar features of claims 14 and 25. Accordingly, Endsley does not overcome the deficiencies of Inoue.

The third cited Nakami published patent application involves a method of reducing the noise and improving the quality of a photo by performing signal processing on the photo's file when it is transferred to a computer for printing or storage. The Nakami document does not pertain to an icon/shortcut associated with parameters for the capture of the digital image. The Nakami document does not overcome the aforementioned deficiencies of Inoue.

The fourth cited Prabhu patent involves a system for customizing a digital camera for a number of users. Prabhu discusses the use of icons to be displayed in the image display of a digital camera. However, Prabhu's icons pertain to signal processing and special effects for a previously taken photograph—not to the camera parameters for capturing of the digital image. The Prabhu document does not overcome the aforementioned deficiencies of Inoue.

Consequently, the documents relied upon in the rejections do not disclose or suggest “providing more than one format selection to be used in capturing the digital image [and] assigning an icon to each of said more than one format selections [,] wherein the set of parameters for each of said more than one format selection include settings for compression level, color depth, height resolution and width resolution,” as recited in claim 1. The cited documents also do not disclose or suggest “means for assigning at least one shortcut to a

³ *Id.* at col. 6, lines 35-67.

unique set of operational parameters suitable for capturing a digital image with the digital camera, ...wherein the set of operational parameters include settings for compression level, color depth, height resolution and width resolution,” as recited in claim 14 or the similar feature of claim 25.

Accordingly, it is respectfully submitted that Inoue, Endsley, Nakami and Prabhu, either taken singly or in hypothetical combination, do not disclose or suggest the features of the claimed invention. Therefore, withdrawal of the rejections is earnestly requested.

Inoue Teaches Away from the Hypothetical Combination

According to MPEP §2145 it is improper to combine references where the references teach away from their combination:

It is improper to combine references where the references teach away from their combination. In re Grasselli, 218 USPQ 769, 779 (Fed. Cir. 1983) (The claimed catalyst which contained both iron and an alkali metal was not suggested by the combination of a reference which taught the interchangeability of antimony and alkali metal with the same beneficial result, combined with a reference expressly excluding antimony from, and adding iron to, a catalyst.).

It is respectfully submitted that Inoue teaches away from combination with the other documents cited in the rejection. Inoue involves a method of selecting image quality and pixel number parameters for a digital camera by providing both of these parameters within the same two-dimensional array. This can be seen in the Inoue figures cited in the Office Action, Figs. 7a-d as well as the description throughout the Inoue specification. The image quality parameter and pixel number parameter depend upon each other: selecting image

compression rate⁴ affects what selections may be made for the number of imaging pixels. Inoue's two-dimensional array shows the quality selection(s) for a given number of pixels that are available for the user to select. For example, if a user highlights "2400" then all three options appear for quality: "Fine," "Normal," and "Basic" (Fig. 7a). However, if the user highlights "640" then only the only available option is "Normal" (Fig. 7e). The two-dimensional array system of Inoue is not an icon or a shortcut to which a set of format selections can be assigned. Since Inoue relies upon the specially designed two-dimensional array to show the inter-dependence between pixel number and image quality, the Inoue *could not be altered* to provide other camera settings such as color depth, or the like. An attempt to modify Inoue to add other settings would cause the array to become a three-dimensional array, or a four-dimensional array, or even a five-dimensional array. **In the event the pending rejection is maintained, it is respectfully requested that the next Official Paper explain how such a two-dimensional array can possibly be construed as an icon or shortcut associated with the parameters recited in the independent claims now pending and how more than two camera parameters can be associated any particular square of Inoue's two-dimensional array.**

Since Inoue cannot be altered to include features for which the Endsley, Nakami and/or Prabhu are relied upon in the manner proposed by the Office Action, it is respectfully submitted that Inoue teaches away from being combined with these secondarily cited patent documents. Therefore, the hypothetical combinations relied upon in the Office Action are not proper. Therefore, withdrawal of the §103 rejections is earnestly requested.

⁴ Image compression rate is the parameter likened to image quality by the Office Action.

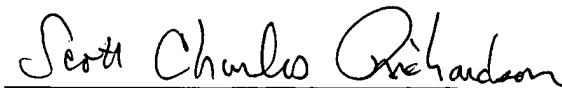
Deposit Account Authorization / Provisional Time Extension Petition

It is believed that the attached Fee Transmittal attends to the fees necessary for this paper, and no extension of time is necessary. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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